

## Problems of Government

**POLITICS.** By Frank Exline. E. P. Dutton & Co.  
**THE LAW AND ITS SORROWS.** By J. Hannibal Clancey. Detroit: The Bentham Institute.  
**THE LAW OF THE AMERICAN CONSTITUTION.** By Charles K. Burdick. G. P. Putnam's Sons.  
**LEGISLATIVE PROCEDURE.** By Robert Luce. Houghton Mifflin Company.  
**THE ESSENTIALS OF AMERICAN GOVERNMENT.** By Francis Newton Thorpe. G. P. Putnam's Sons.  
**ENGLISH LOCAL GOVERNMENT: STATUTORY AUTHORITIES FOR SPECIAL PURPOSES.** By Sidney and Beatrice Webb. Longmans, Green & Co.  
**CITY AND TOWNSHIP GOVERNMENT IN THE UNITED STATES.** By Kirk H. Porter. The Macmillan Company.

IT is interesting, upon examining a group of books on the subject of government, to note how divergent are the methods of attack employed by the various authors and how widely dissimilar are the points of view. A majority of the writers will be of a conservative turn of mind, and will expound the merits of the present order of things with a gravity matched only by their conviction that "all is well in the best of all possible worlds"; one or two will temper their seriousness with a burning irony, and perhaps one or two others will issue a flaring challenge that will contrast vividly with the commonplaces of the majority.

All of these tendencies are to be observed in the books under review. As might have been anticipated, the serious and unoriginal expositions are in the majority; but, while valuable for the student, such works merely reexplore known territory, and make no new contribution to political science. Yet, among the seven volumes under consideration, there are one or two that issue an appeal deserving of widespread attention, and at least one that may be characterized unqualifiedly as an important piece of work.

It is rarely that one comes across a more astute study of government than Frank Exline's volume on "Politics." Mr. Exline analyzes keenly the framework of all political systems, and concludes that in the past all governments have failed because they have been lacking in organs as necessary for their success as is the eye or the ear for the proper functioning of the human body. Instead of being established upon scientific principles and regulated by natural laws of justice, all governments have in the past been managed according to the mere volition or caprice of the rulers; and whether those rulers have been autocrats or whether they have been the masses of the people, the results have been equally disastrous, for reason has in every case been shunned, individual whims and prejudices have guided the helm of state, and individual merit has been a far less important element in the choice of leaders than popularity, wealth or freaks of chance. Democracy, declares Mr. Exline, is to be indicted along with all other forms of government; "in so far as it exists in fact, it is anarchy; in so far as it exists only in name but not in fact, it is a mere illusion; as a form of government, it is impossible. . . . The people themselves desire neither democracy nor popular sovereignty; they desire efficient, wise and just government, and they would welcome the inauguration of any practical method by which the efficient, wise or just men of the State could be discovered and installed in the offices of government."

But how is such a system to be established? First of all, we must add a fourth division of government—a division more important either than the legislative, the judicial, or the executive—a division lacked by all governments in the past, and responsible, through its absence, for the universal failure of political systems. That division is what the author terms the *selective* branch of government, a branch that would choose all the government officials on the basis of merit, much as the members of the civil service, military officers and the managers of business organizations are chosen to-day. That such a system is practicable is amply demonstrated by the author; and he outlines a tentative plan, a plan which, less because of its originality than because of the eminently sound and scientific basis on which it is established, is deserving of the attention of every intelligent and open minded citizen.

A book likewise worthy of widespread

attention is J. Hannibal Clancey's volume on "The Law and Its Sorrows." In this acute and timely discourse on the condition of the law, Mr. Clancey demonstrates that present day legal procedure is in a state not far superior to that satirized by Dickens in "Bleak House," wherein he describes the interminable case of "Jarndyce vs. Jarndyce." It is Mr. Clancey's contention that, under present conditions, precedent is the mortal foe of justice; that the law is worm eaten with antiquated traditions, stuffed full of the desiccated bones of cumbrous pleadings and of outworn conventions, impeded by absurd rules of evidence, and handicapped, in America at least, by reverence for an English common law that England has discredited for

generations. As a remedy, the author suggests, among other things, that pleadings be abolished, that the distinction between law and equity be eliminated, that all forms of action be made obsolete, that judges be elected by the people for a limited term, that judicial tinkering with legislative acts be rendered innocuous, and that all precedents ten years old be burnt.

The five remaining books, while all containing much valuable material, are all in the nature of expositions of known facts rather than of original contributions to the science of government. Prof. Burdick's "The Law of the American Constitution" is a study in constitutional law that considers comprehensively the foundations of the American Constitution and attempts to vindicate our form of Government; Mr. Luce's volume on "Legislative Procedure," the first of a series of four books on law making, is a detailed and thoroughgoing

survey of the process whereby laws come into being; Prof. Thorpe's work on "The Essentials of American Government" is an elementary treatise on the principles on which our Government is founded, and deals, in text book style, with subjects such as "Sovereignty," "The Fundamentals of Government," "The Citizen," "Political Parties" and "International Relations." Unlike the above books, the last two volumes on our list deal with local rather than with national government; Prof. Porter's work on "City and Township Government in the United States" is what the title indicates—a study of the processes of government in counties and small municipalities; and Sidney and Beatrice Webb's volume on "English Local Government" is a detailed historical account of the development of local government in England from 1689 until the present day.

STANTON A. COBLENTZ.



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